

yet that that really is a major problem. I have not heard any real major complaint from the States in that regard.

I yield the floor.

Mr. DORGAN. Mr. President, if I might make one additional comment, there are some areas where the mandate will require someone to pay more and take more time because there is a conversion and some areas where it will not. Let me give you an example with respect to the highway signs.

The taxpayer is the one who pays for the replacement of the highway signs. Whether it is the taxpayer paying Federal taxes or State taxes probably has less importance to the taxpayer because they still have to pay the taxes.

In August 1993, DOT announced in a notice in the Federal Register that ISTEA now permitted Federal aid to reimburse States for costs that will be incurred when they install the metric highway signs.

What they said is we are now prepared to give you funds for converting those signs. They are not talking old signs or new signs. They are saying here are the funds available, and of course what they will do is find devices to say there are no funds, there is no cost to this mandate. But this is a mandate. Go do this.

My point is I do not want the American taxpayers to have to be paying out of any pocket for any mandates that are not mandates considered by this Congress. And that is the reason I bring this to attention in this piece of legislation. The fact is they are paying for an activity the American taxpayer should not have to bear at this point. We do not have to take down perfectly good highway signs and put up new signs with kilometers. That is an enormous waste of money, in my judgment.

I just have, I guess, enough experience to know that the bureaucratic system, left to its own devices, will try to find the end of this pendulum swing, and I think it will end up costing the taxpayers money. That is why I would like to put on the enforcement brakes for 2 years and have this commission study it. Now, if the study determines that this is not imposing any significant costs on anyone, is not very troublesome, then that is fine. That is an answer, I guess, that we would have then that we do not now.

If they find, on the other hand, that this can impose a substantial amount of additional costs with very little additional gain, I say let us step in here on the part of the American taxpayer and give them a little help. At least let us get the facts before someone runs ahead with the mandate.

That is the point I am making in the amendment.

I yield the floor.

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I ask unanimous consent I might speak in morning business for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNFUNDED MANDATES

Mr. SIMPSON. Mr. President, if urgent work comes up on behalf of the managers, I will step aside. But I just want to make some brief comments about a fascinating activity observed here by me on the Senate floor for these past several days.

I noted this with some whimsy, because I recall that after the November election returns there was a great deal of speculation as to how the minority party would act, now, in its wake. What would the President now try to do to, say, out-Republican the Republicans? Would the Democrats hop on board the Republican train or would they lie down on the tracks?

Interesting questions, all of them. Questions were also asked about how the Republicans would deal with having the majority. Would the House Republicans provide for a more open process, more consideration of minority views, or would they resort to the same ramrod tactics that the Democrats employed with some apparent relish, at least as I have observed it for 16 of the past 40 years?

Somehow lost to the media amid all of this questioning is a fundamental difference between Republicans and Democrats as to how, really, willing the two parties are to be on record, to have their votes scrutinized, and to be held up to the folks back home. Anyone who has watched the proceedings here in the Senate or the House the last several years has witnessed the strain and the energy that the Democratic Party has had to employ to avoid being put on record on any number of sensitive issues. Let me just cite a few examples I could not help but think of.

When we had the pullout from Somalia, and that was considered, the House Rules Committee attempted to protect the Democrats by adopting a "King of the Hill" rule. You remember that one—the rule that enables you to vote for one pullout date and then immediately following another one, a different one that supersedes it. We have another name for those. The Democrats seem to truly, truly enjoy those "CYA" amendments, one after another, so you can send the press release home, still having not done anything, but cover yourself nicely.

Then you remember the balanced budget amendment. Do you remember that one? We had enough cosponsors to pass that one last time around. But every manner of contortion was used to

enable the Democratic sponsors of the balanced budget amendment to find some reason to vote against the balanced budget amendment which they had cosponsored—a little bit of hypocrisy; just a touch.

I think we recall the vexations facing the House Rules Committee last year when they were confronted with health care legislation of the type which the Republicans favored more than did the President. They had to keep it from getting to the House floor because they knew it would pass.

You name the issue—whether it is the death penalty, gun control, term limits, balanced budget—the list is endless. And the struggle in this Chamber for years has been between Republicans trying to force votes on these issues and the Democrats attempting to prevent them, with all sorts of rationale, all thinly veiled, and all of that veil remarkably pierced on November 8.

So the Democrats would shriek "gridlock" when we would introduce one of these amendments for Senate consideration. But it was nothing of the sort. Those bills favored by the majority—virtually every one of them—did eventually pass but not before Senators had put themselves on record on a number of issues. Finally, all the chickens came home to roost in November. Finally voters across the country realized that the man or woman they had sent to Washington really did not believe in the death penalty after all, did not really believe in lower taxes, did not really believe in spending cuts, did not really support the balanced budget amendment, and they sent them all packing.

Why do I review this litany of activity? Because it is highly relevant to the situation we find ourselves in and found ourselves in this past week. I found in speaking to my Republican colleagues on the House and Senate side that the question has come up as to how open and inclusive our legislative process should be. Invariably, the answer has been, "Of course. Of course, we can keep it as open as is humanly possible because unlike the previous Democratic overlords of years past, we have precious little to fear from the Democrats forcing votes on various issues. What can they possibly make us vote on that we are less willing to confront than are the Democrats? Where, precisely, are we out of step with the body politic, while they are in step, especially with our constituents?"

Put that way, it becomes clear that the Republican majority have precious little to fear from the various stonewalling tactics from the other side. So I personally, having watched the Democratic minority at work here, am not in the least troubled by this remarkable strategy. It has deprived me of some light rest, but not of any certainty that we in the majority will prevail. In fact, I wonder with which political consultants they are working? Has

someone advised the Democrats that there is a political benefit to be gained from trying to block the unfunded mandates legislation, congressional accountability legislation, and the balanced budget amendment, or any one of a host of measures so eagerly awaited by the American public? If my Democratic friends wish to be shown to be on the wrong side of those issues, while at the same time pretending to support them, by all means I would hope they would be my guest because I will enjoy watching it.

I feel many of those measures are going to pass anyway because of the overwhelming support they enjoy from the American public and the majority in both Chambers. Many are going to pass.

I must say it astonishes me—and somewhat amuses me and bemuses me greatly—that somehow the opposing party has found someone who is willing and who is telling them to be seen as a party of trying to delay this train, to continue to support endless Federal mandates on States, counties, localities—and that means local taxpayers. We all know the saying: Lead, follow, or get out of the way. The Democrats seem to want to add a fourth option—lie down on the tracks.

I actually read in the paper the other day that the Democrats were considering making a court challenge to the rule recently passed in the House requiring a supermajority to raise taxes. Now there is a political masterstroke. Sue the Representatives and the American public in order to be able to raise their taxes. How stunningly brilliant that is.

So let me just close by thanking my colleagues on the other side of the aisle for tactics employed this week and last on the unfunded mandates legislation for a piece of legislation that has been requested by most thoughtful people who administer local government. I think it makes me even more certain that the Republicans will enjoy a majority for many years to come.

I thank the Chair.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

Mr. GLENN. Mr. President, I have to rise to comment on the statements just made by my distinguished colleague from Wyoming.

I think we need to review what has happened here. This revisionist view that was just expressed of what happened last year, and what so far has occurred this year, is a little strange to me having lived through last year and what has happened this year.

You know, we voted it out of committee. I was chairman of the Governmental Affairs Committee last year. We voted out in August the unfunded

mandates legislation. Senator Mitchell wanted to bring it to the floor. We tried to bring it to the floor. There was so much delay, I think we had 20 some cloture votes filed against the Republicans last fall. It was a scorched-earth policy and they were taking great pride—some, not all—on the other side. Some absorbed what was going on to their credit. But on the other side there was a scorched-earth policy of, “Don’t let anything get through.” And we found objection and all sorts of procedural matters being brought up just to delay, to delay. To say now that after November 8 there is some great mandate that says that we move forward on all these things that we considered last year and wanted to bring up and could not because of the Republican filibusters on the floor of the U.S. Senate, and now to blame us for not getting these things through, is about as clearly a revisionist view of what happened last fall as anything could be.

The statement was made that the Democrats enjoy this kind of delay, and we are putting through what was referred to as CYA amendments. And I think we all know on the floor what that means. Those are not my words. Those are the words of the Senator from Wyoming.

No one enjoys delaying anything on our side that I know of around here because most of the people on our side of the aisle are in favor of the unfunded mandates legislation. We just want to see it go through in a form that it can be administered and be good.

It was said that we put out our press releases on this thing, and talked about how we ignored completely the fact; that the reason we did not have congressional coverage legislation last year and unfunded mandates last year was somehow the fault of Democrats. Nothing could be further from the truth. We had them on the calendar ready to be brought up. That is fact. That is not a revisionist view of what happened last year.

Now somehow my colleague from Wyoming indicates that the Republicans are trying to force this and the Democrats are opposing it as though the Democrats were not for it last year, and we were being opposed by the Republicans last year.

He talks about Democratic gridlock of the past. He says that November 8 brought all of this home, that all the chickens came home to roost. Why bring up this litany? Well, he said the situation of the past week where the Democrats were somehow—and I think I wrote down the words correctly—were trying to continue their policy of being “overlords” of years past. Those are harsh words. And the “stonewalling”—that is another word—“stonewalling” of the Democrats, and that the majority would eventually prevail; and that the Democrats seem to think with their gurus that there is some political benefit to blocking unfunded mandates.

Mr. President, those remarks are about as ridiculous as I can think of

here after we tried last year to get congressional coverage and get unfunded mandates through and were blocked repeatedly because of procedural steps taken on the Republican side to block us even from consideration. We did not have time to consider unfunded mandates. We brought them out of committee in August.

There were statements about we were trying to delay their train. No. That is not true. Let me just recount for the record so we get the facts straight. S. 993 was introduced last year in the Senate. That is what we were trying to get through. After the November 8 election it was felt that the House was probably going to come up with a stiffer, tougher bill than S. 993, although all parties, including the big seven of State, county and, local officials—the big seven different groups, as they are called—were in favor of S. 993 last year, and we had some 67 cosponsors. We could have passed it, just like that, if we had not had the delay occasioned by the Republican’s scorched-earth, do-not-let-anything-go-through policy of last fall. We could have gotten it through last fall.

But what happened then after the election this year? I will tell you what happened after the election this year. They said the House is going to come up with a tougher bill and we had better move our bill here to make it a little bit tougher so that perhaps the Senate bill can prevail, something the whole Congress can get behind and get passed because we need to deal with unfunded mandates. So I did not fight that. Our staffs all worked together and came up with some new proposals here, and there are some tougher mandates here. Maybe we have gone a little far in some of the consideration of our people that were one or more of the 67 cosponsors of last year. But we came up there with a new bill, S. 1.

(Mr. THOMAS assumed the chair.)

Mr. GLENN. Senator DOLE, the majority leader, went before the Governors Association and said he thought this was important enough that he would make it S. 1, the prime bill before the Senate, to be brought up as the first bill this year. I agreed with that. I have been an advocate of correcting this unfunded mandates problem for a long time. We worked on this for the better part of 2 years with my distinguished colleague from Idaho, Senator KEMPTHORNE, the floor manager on the other side. I did not quarrel with that. But now we are being blamed somehow for not going ahead with this. That is just not right.

But what happened this year? Let us follow this thing through. Because of the priority accorded this legislation, it was referred to committee on the following timetable: Voted off the Senate floor to committee; sent to committee. It was introduced on the floor one day, and sent immediately to committee with a hearing to occur the following day, with the agreement that the